

Remarks:

1. Claims 6, 7, 11, 12, 17 and 18 are currently pending. Claims 4, 9, 14 are cancelled in this amendment.

Claims 6, 7, 17 and 18 stand rejected under 35 USC 103(a) as being unpatentable over JP 8266261.

Former Claims 4, 9, 14 stand rejected under 35 USC 103(a) as being unpatentable over CN 1140036. These three claims are cancelled in this amendment.

Claims 11, 12 are objected to as being dependent upon the rejected base Claim 9. At this amendment Claims 11 and 12 are amended to incorporate limitations from former Claim 9 to make them allowable.

With the current claim amendments, applicants offer three sets of Claims. The first is Claims 6 and 7, drawn to a cigarette comprising a main body and a filter, wherein the main body comprises over 50% by weight of Ginkgo biloba leaves. The second is Claims 11 and 12, drawn to a cigar comprising over 50% by weight of Ginkgo biloba leaves. The third is Claims 17 and 18, drawn to a method for quitting smoking by smoking a cigarette whose main body comprises over 50% by weight of Ginkgo biloba leaves.

2. Claims 6, 7, 17 and 18 were rejected under 35 USC 103(a) as being unpatentable over reference JP 8266261. This reference disclosed a cigarette comprising a main body and a filter attached to one end of main body, the filter comprises dried and crushed ginkgo leaves. Ginkgo leaves in cigarette filter was used to reduce toxicity from tobacco cigarette smoke.

The current invention discloses a totally different cigarette, where the main body instead of filter comprises ginkgo biloba leaves. First of all, the filter and the main body are clearly different structure, and they also have very different function: the main body will be burned and generate smoke during smoking, while the filter is not burned, but is used to reduce tar or other toxic material from smoke generated by the burning of main body during smoking. Secondly, the ginkgo leaves in filter does not burn during normal smoking process, while the ginkgo leaves in main body burns. Third, the smoke from the reference will still be tobacco smoke, while the smoke from the current invention will be ginkgo leaves smoke.

Applicants agree with the Examiner that filter is still part of the cigarette, and ginkgo biloba leaves is burnable material. Thus subject matter disclosed in reference JP 8266261 met all the limitations of former Claims 6, 7, 17 and 18. Thus applicant would like to limit these Claims only to the main body of the cigarette. Due to the obvious structural and functional difference between filter and main body, a person with ordinary skill in the art will agree that the invention, which are now only claim that the main body

of cigarette comprises ginkgo leaves, is novel and non-obvious in view of JP 8266261, thus patentable over the reference.

3. Former Claims 4, 9 and 14 were rejected as unpatentable over reference CN 1140036. This reference disclosed a toxicity-reduced cigarette that contains extract of herbal mixture sprayed onto the tobacco. Ginkgo leaves is part of the mixture, and the amount in the cigarette is very small, so the majority of the cigarette is still made of tobacco. In light of the reference, applicants cancel these three claims.

4. Since Claims 6 and 7 depend on former independent Claim 4, applicants have to amend Claim 6 to independent form to incorporate all limitations from former Claim 4, and amend Claim 7 to depend on Claim 6 instead of Claim 4. There are two additional issues addressed in these amendments. One is former Claim 7 is broader in scope than former Claim 6, applicants have to switch these two Claims; Second, former Claim 6 which claims a cigarette comprising 100% by weight of ginkgo leaves, is meaningless, since cigarette paper is also part of cigarette main body, and it is not the intention of the invention to claim a cigarette without cigarette paper. Thus applicants would like to broaden the claim a little bit to claim cigarette comprising over 90% by weight of ginkgo leaves. Claims 6 and 7 are amended to correct these issues.

Similarly, Claims 17 and 18, as well as Claims 11 and 12 are also amended to correct these issues.

5. Claims 11, 12 are objected to as being dependent upon the rejected base claim 9.

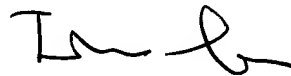
And claims 11 and 12 are amended as suggested by the Examiner to incorporate the limitation from former Claim 9 to make them allowable.

Conclusion:

It is believed that all of the stated ground of rejection have been properly traversed or accommodated. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition of allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

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